



U.S. PAT. & T.M. OFFICE
FEB 19 2003
358956

AF/1600
1600

Attorney's Docket No. 5784-9 (35784/158956)

PATENT

RESPONSE UNDER 37 C.F.R. 1.116 - EXPEDITED
PROCEDURE - EXAMINING GROUP 1653

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Shirley *et al.*
Appl. No.: 09/285,429
Filed: April 2, 1999
For:

Confirmation No.: 3707
Group Art Unit: 1653
Examiner: Chih Min Kam
INJECTABLE FORMULATIONS CONTAINING SUCCINATE

February 12, 2003

BOX AF
Commissioner for Patents
Washington, DC 20231

Sir:

Transmitted herewith is an AMENDMENT in the above-identified patent application.

- Applicant claims small entity status. See 37 C.F.R. § 1.27.
 No additional fee is required.

The fee has been calculated as shown below:

(COL. 1)		(COL. 2)	(COL. 3)	SMALL ENTITY		OTHER THAN A SMALL ENTITY	
CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEE	OR RATE	ADDITIONAL FEE
TOTAL	* 38	** 34	= 4	X9=	\$	X18=	\$ 72.00
INDEP	* 2	*** 2	= 0	X42=	\$	X84=	\$
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				+140=	\$	+280=	\$
				TOTAL ADD FEE \$		OR TOTAL	\$ 72.00

* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space. The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior Amendment or the number of claims originally filed.

TECH CENTER 1600/2900

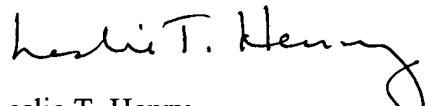
FEB 24 2003

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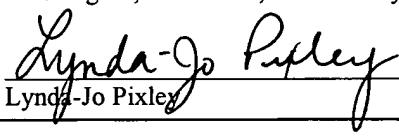
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- Please charge my Deposit Account No. 16-0605 in the amount of \$
- A check in the amount \$72 to cover the additional fee is enclosed.
- The Commissioner is hereby authorized to charge any deficiency in payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 16-0605.
 - Any additional filing fees required under 37 C.F.R. § 1.16 for the presentation of extra claims.
 - Any patent application processing fees under 37 C.F.R. § 1.17.

Respectfully submitted,



Leslie T. Henry
Registration No. 45,714
Attorney/Agent of Record

<p>CUSTOMER NO. 00826 ALSTON & BIRD LLP Bank of America Plaza 101 South Tryon Street, Suite 4000 Charlotte, NC 28280-4000 Tel Raleigh Office (919) 862-2200 Fax Raleigh Office (919) 862-2260</p>	<p>CERTIFICATE OF MAILING</p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: BOX AF, Commissioner for Patents, Washington, DC 20231, on February 12, 2003.</p>  <p>Lynda-Jo Pixley</p>
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Attorney's Docket No. 5784-9 (35784/158956)

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Andrea C. (AS)
PATENT
3/24/03

**RESPONSE UNDER 37 C.F.R. 1.116 - EXPEDITED
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In re: Shirley *et al.* Confirmation No.: 3707
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**AMENDMENT AFTER FINAL ACTION
PURSUANT TO 37 C.F.R. § 1.116**

Sir:

Responsive to the Final Office Action of November 12, 2002, Applicants respectfully request reconsideration of the above-identified application in view of the following amendments and remarks. The Examiner is respectfully requested to enter the following amendments.

In the Claims:

1. (Thrice amended) A sterile injectable pharmaceutical composition comprising a pharmaceutically active agent and a buffer, wherein said buffer consists substantially of succinate at a concentration of 7 mM to 45 mM and a counterion.

3. (Twice amended) The composition of claim 1, wherein the concentration of succinate is 10 mM to 30 mM.

4. (Twice amended) The composition of claim 3, wherein the concentration of succinate is 10 mM to 20 mM.